

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: OIL SPILL BY THE OIL RIG
"DEEPWATER HORIZON" IN THE
GULF OF MEXICO, ON APRIL 20,
2010**

MDL NO. 2179

SECTION "J" (1)

JUDGE BARBIER

APPLIES TO: 11-274 and 11-275

MAGISTRATE SHUSHAN

**AGREED CASE MANAGEMENT ORDER
GOVERNING INSURANCE ACTIONS**

In furtherance of the Order Regarding CMO for Insurance Actions dated May 31, 2011 (docket no. 2593), concerning Action Nos. 11-274 and 11-275 (collectively, the "Insurance Actions"), the parties to the Insurance Actions have agreed and the Court orders as follows:

I. CONSOLIDATION OF THE INSURANCE ACTIONS

The Insurance Actions were transferred from the United States District Court for the Southern District of Texas to MDL No. 2179 by orders of the United States Judicial Panel on Multidistrict Litigation on February 8, 2011. Action No. 11-274 is hereby consolidated into Action No. 11-275.

II. STAY OF PROCEEDINGS

Without prejudice to the right of any other party to object and to claim that they have no such right, the Transocean parties reserve the right to file a Motion to Stay the Insurance Actions

pending the conclusion of arbitration proceedings between BP and Transocean under the Drilling Contract dated December 9, 1998.

III. PLEADINGS:

- A. To the extent required, any answers to complaints in intervention, cross claims, counterclaims, or third party complaints shall be filed by June 30, 2011.

IV. DISCOVERY

- A. **Scope:** Discovery in the Insurance Actions shall be limited to the discovery of information relevant to the claims of the Insurers found in paragraphs 11 through 15 of Ranger's Amended Complaint and the defenses of BP, Anadarko and MOEX related to these allegations. Discovery in the Insurance Actions shall not be duplicative of the discovery in MDL 2179.
- B. **Initial Disclosures:** The parties will exchange their initial disclosures in accordance with Fed. R. Civ. P. 26(a)(1) by July 15, 2011.
- C. **Written Discovery Requests:** The Insurers and Transocean jointly may propound up to 35 interrogatories, 25 requests for production and 25 requests for admissions to BP, Anadarko and MOEX. BP, Anadarko and MOEX jointly may propound up to 35 interrogatories, 25 requests for production and 25 requests for admissions to the Insurers and Transocean. Each party must separately respond to the discovery propounded to it. Written discovery may commence on or after July 1, 2011.
- D. **Fact Depositions:** The Insurers and Transocean collectively may take ten (10) fact depositions. BP, Anadarko and MOEX collectively may take ten (10) fact depositions. Depositions may commence on or after July 1, 2011.

- E. To the extent production involves ESI, MDL No. 2179 Pretrial Order No. 16 will apply.
- F. To the extent production of any document involves privileged and/or work product materials, MDL No. 2179 Pretrial Order No. 14 will apply.
- G. BP, Anadarko, MOEX, and Transocean are providing discovery in connection with other actions in MDL No. 2179. Such discovery may be used in connection with the Insurance Actions to the extent permitted by the Federal Rules of Civil Procedure and the Federal Rules of Evidence.
- H. All fact discovery, including depositions, will end on February 17, 2012. On this date, discovery between the parties will close.
- I. **Experts:** Any expert reports shall be submitted by the parties by March 16, 2012. Rebuttal expert reports shall be submitted by April 16, 2012. Expert depositions shall be completed by May 31, 2012.
- J. Any party to the Insurance Actions may move to amend this discovery schedule/protocol for good cause shown.

V. MOTIONS

A. **Rule 12 Motions for Judgment on the Pleadings:**

- 1. Motions for Judgment on the Pleadings may be filed on or after June 30, 2011, the date by which all responses to pleadings are due pursuant to Section III(A) above.
- 2. Responses to Motions for Judgment on the Pleadings shall be filed on August 11, 2011, or 30 days after the motion is filed, whichever date is later.

3. Replies in support of Motions for Judgment on the Pleadings shall be filed by August 25, 2011, or 20 days after the Response(s) to which they reply are filed, whichever date is later.
4. The Court will hear oral arguments on any Motions for Judgment on the Pleadings on Wednesday, September 14, 2011, at 9:30 a.m.

B. Rule 56 Motions for Summary Judgment:

1. Within 30 days of the Court's judgment concerning the joint Limitation trial, including any and all cross-claims, counterclaims, and third party claims, in MDL No. 2179, any party seeking summary judgment on the issue of insurance coverage and any related issues will file, with documents and/or testimony, its motion(s) for summary judgment. This deadline is entirely without prejudice to the right of any party to the Insurance Actions to request an earlier or later summary judgment ruling or filing deadline, if and as circumstances change or the interests of justice may warrant.
2. Responses to Motions for Summary Judgment contemplated by Section V(B)(1) above shall be filed 30 days after the motion is filed and served.
3. Replies in support of Motions for Summary Judgment contemplated by Section V(B)(2) above shall be filed 20 days after the response is filed and served.
4. Following the close of briefing, the Court will hold a hearing on the summary judgment motions on a date set by the Court.

C. Other Dispositive Motions:

1. For any dispositive motions other than summary judgment motions, each opposing party will file its response to the motion(s) within 30 days after the motion is filed and served. Any reply thereto shall be filed within 20 days after the response is filed and served.

IT IS ORDERED, this 16th day of June, 2011, in New Orleans,
Louisiana.



United States District Judge